

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES KEIVOM,

Plaintiff,

v.

NEW RUSSIAN WORD INC.,

Defendant.

24-CV-3573 (DEH)

ORDER

DALE E. HO, United States District Judge:

The above-captioned matter came before the Court on the motion of Plaintiff James Keivom (“Plaintiff”) for entry of a default judgment against Defendant New Russian Word Inc. (“Defendant”) under Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Rule 55.2, *see* ECF No. 19.

On August 5, 2024, the Court ordered Defendant to file any opposition to the motion for default judgment by August 23, 2024. *See* ECF No. 25. Defendant did not file an opposition. The Court further ordered Defendant to appear and show cause before this Court on September 10, 2024 why an order should not be issued granting a default judgment against Defendant. *See id.* The Court held a hearing for Plaintiff’s application on September 11, 2024, and Defendant failed to appear. *See Sept. 10, 2024 Min. Entry.*

This Court having considered the Complaint in this action, *see* ECF No. 1, the Declarations of James Keivom and Joshua D. Vera in support of Plaintiff’s Motion for Default Judgment, *see* ECF Nos. 19-24, together with the exhibits thereto, Defendant is found liable to Plaintiff for violating Plaintiff’s exclusive rights under 17 U.S.C. § 106 of the Copyright Act by engaging in unauthorized copying of Plaintiff’s registered works. Accordingly, Plaintiff’s application for entry of default judgment is **GRANTED** pursuant to Fed. R. Civ. P. 55(b)(2).

After the entry of default judgment, “[u]nless damages are certain, they must be proven in a post-default inquest where the defendant has an opportunity to contest the plaintiff’s claims.” *Norcia v. Dieber’s Castle Tavern, Ltd.*, 980 F. Supp. 2d 492, 500 (S.D.N.Y. 2013). By separate order, the Court will refer this case to the assigned Magistrate Judge for an inquest on the issue of damages.

It is **ORDERED** that Plaintiff serve Defendant via overnight courier with a copy of this Order and file proof of such service on the docket within three business days.

The Clerk of Court is respectfully directed to enter this default judgment.

SO ORDERED.

Dated: September 11, 2024
New York, New York



DALE E. HO
United States District Judge